

## **Remarks**

### **I. Summary of Office Action**

Claims 1-20 are pending in the above-identified application.

Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

Claims 1-4, 9-12, and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,798,785 to Hendricks et al. (hereinafter "Hendricks") in view of U.S. Pat. No. 5,781,246 to Alten et al. (hereinafter "Alten"). Claims 5, 6, 8, 13, 14, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Alten, further in view of U.S. Pat. No. 5,692,214 to Levine (hereinafter "Levine"). Claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Alten, further in view of U.S. Pat. No. 5,179,439 to Hashimoto (hereinafter "Hashimoto").

### **II. Summary of Telephonic Interview**

The Examiner and Applicant's representative, Michael J. Chasan (Reg. No. 54,026), conducted a telephonic interview on February 24, 2009. During the interview, the Examiner and Applicants' representative discussed the interpretation of the phrase "without user intervention" in the claims. The Examiner indicated that the Applicants' claims, as amended in this Reply, would be allowable over the art of record. Applicants and Applicants' representative wish to thank the Examiner for the courtesies extended during the telephonic interview.

### **III. Summary of Applicants' Reply**

Applicants have amended claims 1, 7, 9, 15, and 17 to more particularly define Applicants' claimed invention. Applicants' amended independent claims recite automatically and without user intervention, generating a set of favorite criteria about television programs that a viewer would likely be interested in, searching the database for identifying a television program that includes at least one of the favorite criteria, tagging the identified television program stored in the local

database that includes the at least one of the favorite criteria, and in response to the automatic tagging, activating a function of an interactive electronic program guide related to the tagged television program. Applicants also submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b) and § 1.321(c) to obviate the double patenting rejections raised by the Examiner. Accordingly, Applicants respectfully submit that claims 1-20 are allowable over the prior art of record.

#### IV. Conclusion

In view of the foregoing, Applicants believe that the pending application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Applicants believe no fee is due with this response other than as indicated in the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 06-1075, under Order No. 004031-0027 from which the undersigned is authorized to draw.

Dated: April 8, 2009

Respectfully submitted,

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